

# COMMITTEE REPORT



**Date:** April 12, 2018

**RIM No.** 1210-21

**To:** Agricultural Advisory Committee (AAC)

**From:** Community Planning Department (AF)

**Application:** A17-0005  
**Owner:** Walter Baran  
Helen Baran

**Address:** 4205 Wallace Hill Road  
**Applicant:** Rosanne Stotz

**Subject:** Application to the ALC for Homesite Severance

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## 1.0 Purpose

The applicant is requesting permission from the Agricultural Land Commission (ALC) for a Subdivision of Agricultural Land Reserve under Section 21(2) of the Agricultural Land Commission Act. The subdivision is more specifically a Homesite Severance request as per Policy #11 – Homesite Severance on Agricultural Land Reserve (ALR) Lands.

## 2.0 Proposal

### 2.1 Background

The applicant is seeking a two lot subdivision for the purpose of a homesite severance. The owner purchased the subject property in 1964 and therefore qualifies for consideration of a homesite severance.

The proposal is to subdivide the subject property, which is a total of 11.1 ha (27.42 acre) in size, to create a new homesite near the north and west property lines abutting Mathews Road. The applicant is seeking a 0.3 ha (0.74 acre) subdivision for the homesite. If the proposed 0.3 ha subdivision was to be permitted, the remaining parcel would be 10.8 ha (26.68 acre) in size.

Approximately 6.75 ha (16.67 acre) of the property is currently utilized for hayfield production with an additional 2.0 ha (0.49 acre) being used for foraging and paddock. Approximately 0.34 ha (0.84 acre) of land located at the north property line is unfarmed due to a significant slope leading to a flatter portion near Mathews Road.

Existing buildings located on the subject property include; a primary single detached dwelling with a suite, a secondary single detached dwelling, two tractor sheds, a hayshed, and a barn, all located near the middle of the site to the southern middle portion of the property. An existing mobile home is located on the flatter portion of land adjacent to Mathews Road at the north property line.

The *Ministry of Agriculture's Guide for Bylaw Development in Farming Areas*<sup>1</sup> cites a maximum area of 0.2 ha (0.5 acre) as a standard farm residential footprint, where all residential uses are contained.

## 2.2 Site Context

The subject property is located in the Southeast Kelowna Sector of the City. It is surrounded by agricultural land in the ALR. There are a number of adjacent rural residential properties located to the east and south of the subject property. The subject property is largely surrounded by agricultural zoned properties.

Parcel Summary – 4205 Wallace Hill Road:

Parcel Size: 11.1 ha (27.42 acres)  
Elevation: 505 meters above sea level (masl) to 524 masl.

## 2.3 Zoning of Adjacent Property

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Agriculture
East	A1 – Agriculture 1 RR2 – Rural Residential 2 RR3 – Rural Residential 3	Agriculture Rural Residential
South	A1 – Agriculture 1 A1c – Agriculture 1 with Carriage House	Agriculture
West	A1 – Agriculture 1	Agriculture

## 2.4 Application Details

The 0.3 ha (0.74 acre) homesite severance area proposed by the applicant as shown in *figure 2* is located in the north west corner of the property. Although homesite severances are encouraged to be located along front and side property lines to reduce the impact to farming, the west portion of the subject property is not considered the best option by staff for the following reasons:

- Parcel would locate driveway near bend in Wallace Hill Road
- Grade of subject property is substantially higher than Wallace Hill Road making sitelines unfavorable
- Staff consider the north property line, from the existing driveway to the east property line, to be appropriate
- Safe site access and the existing residential footprint of the mobile home lend this area to a permanent residential footprint that the homesite severance parcel will create

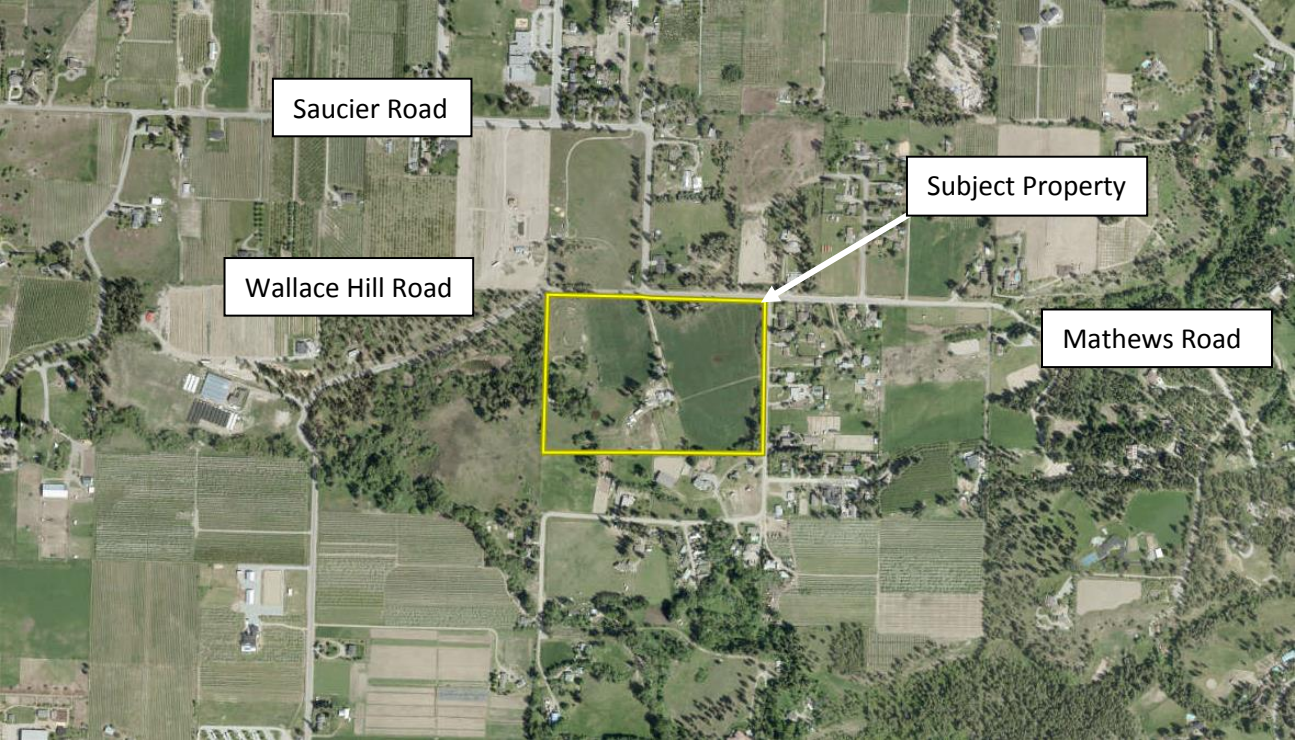
If approved, the subject property will need to be brought into compliance with current zoning regulations. This includes:

- Complete decommissioning of the secondary single detached dwelling. This includes removing kitchen, power services and reducing plumbing to one sink and one toilet.
- Removing the mobile home from property

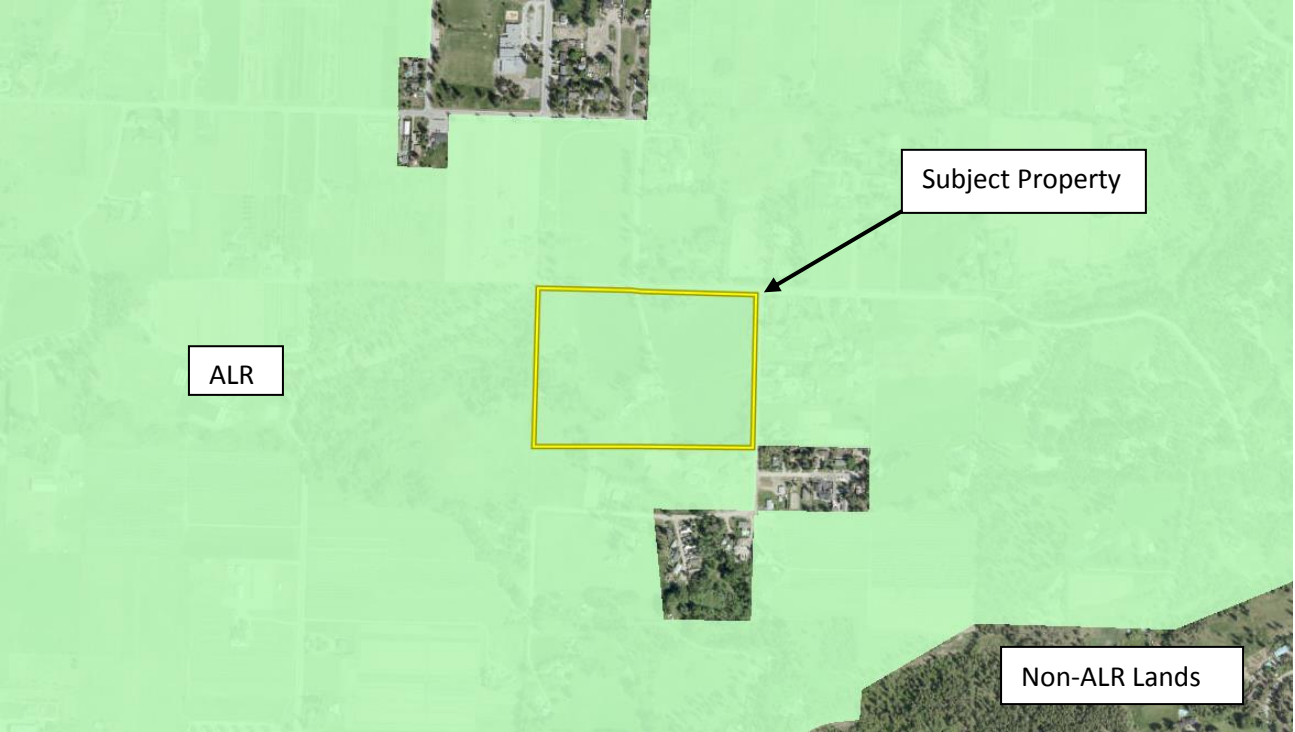
<sup>1</sup> Ministry of Agriculture, 2015. Guide for Bylaw Development in Farming Areas.

[https://www.alc.gov.bc.ca/assets/alc/assets/library/land-use-planning/guide\\_for\\_bylaw\\_development\\_in\\_farming\\_areas\\_2015.pdf](https://www.alc.gov.bc.ca/assets/alc/assets/library/land-use-planning/guide_for_bylaw_development_in_farming_areas_2015.pdf)

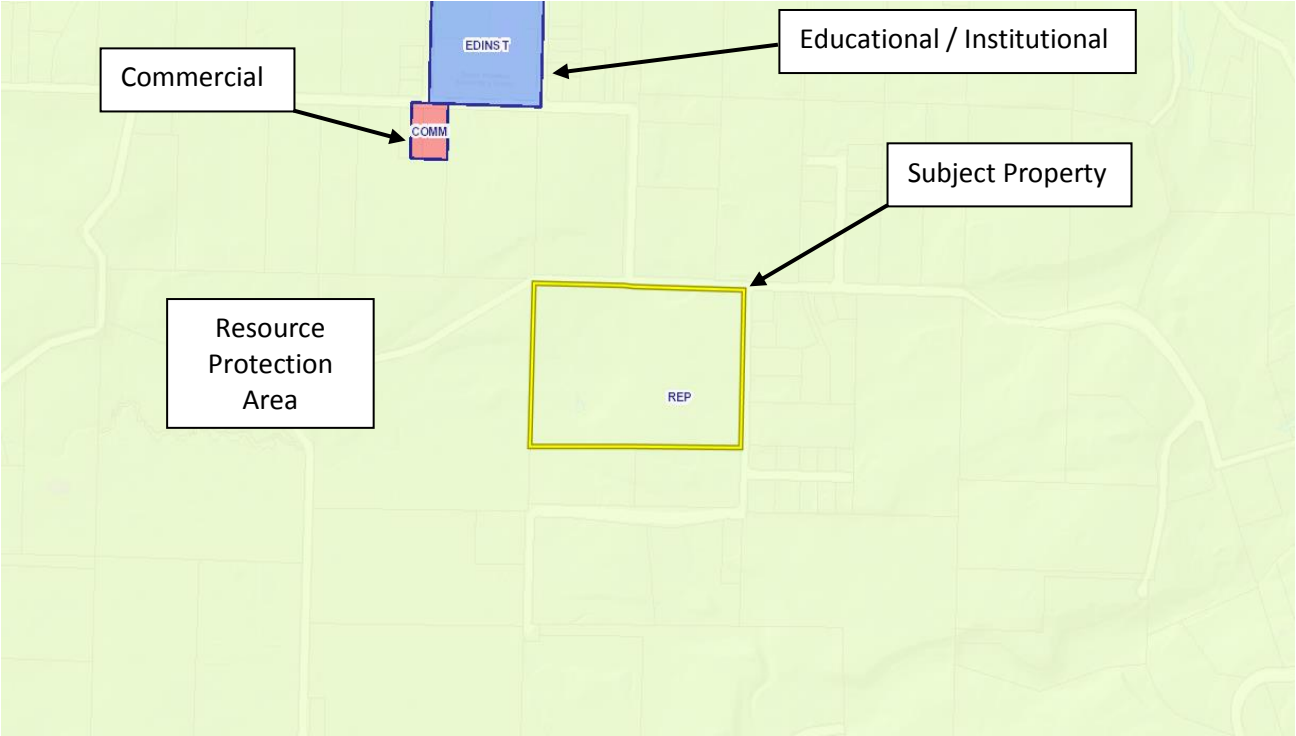
Map 1 - Neighbourhood



Map 2 - Agricultural Land Reserve



Map 3 – Future Land Use



Map 4 - Zoning

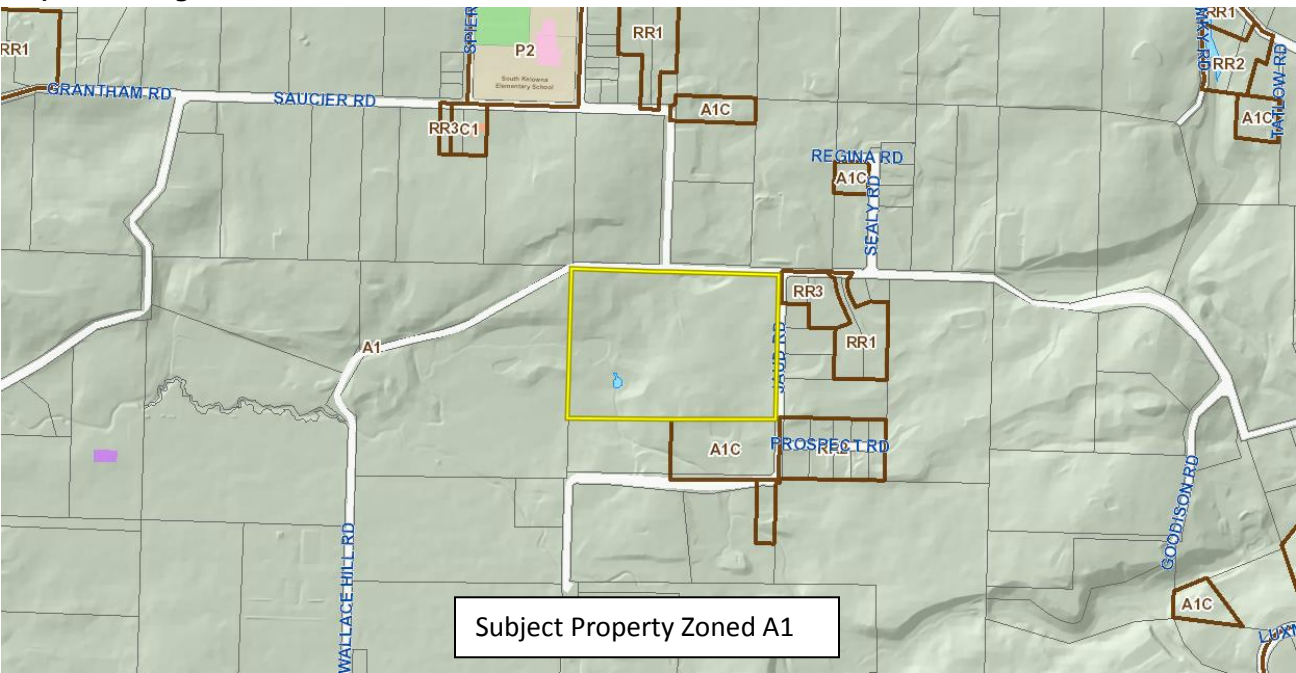




Figure 1 – Slopes



Figure 2 – Proposed Homesite Severance

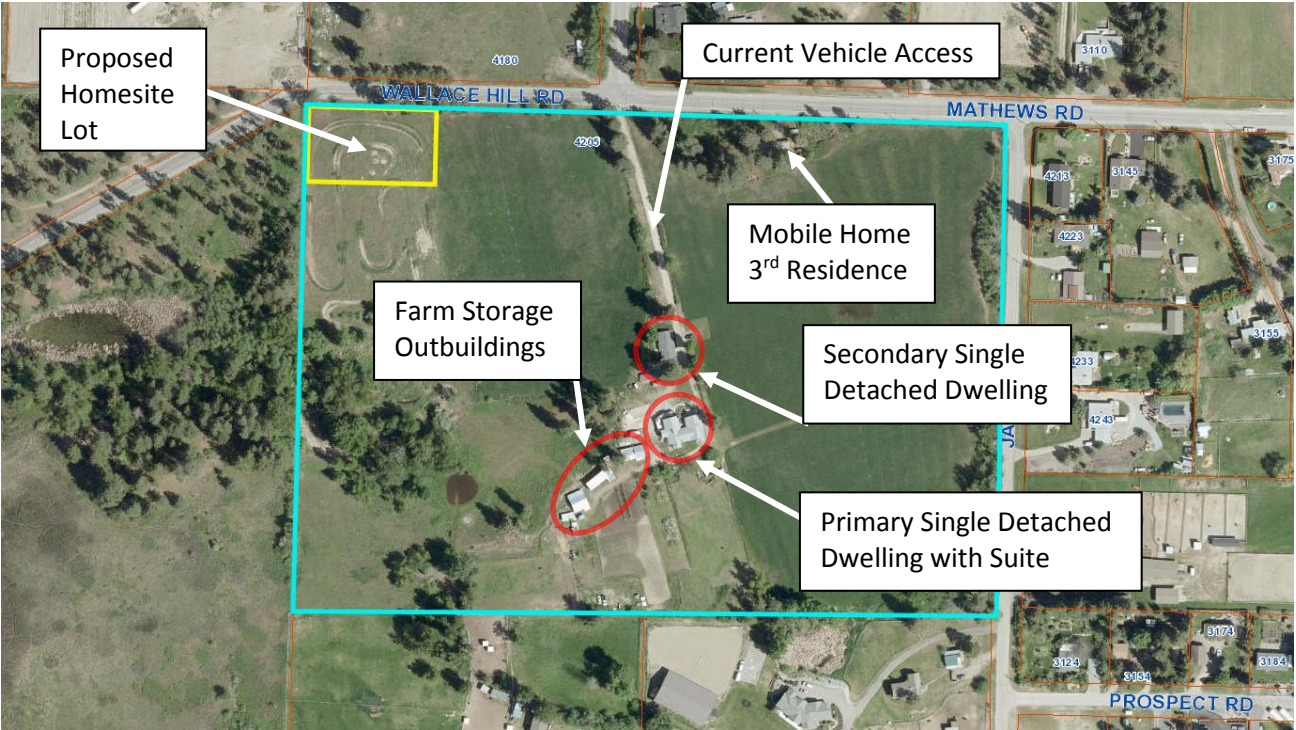
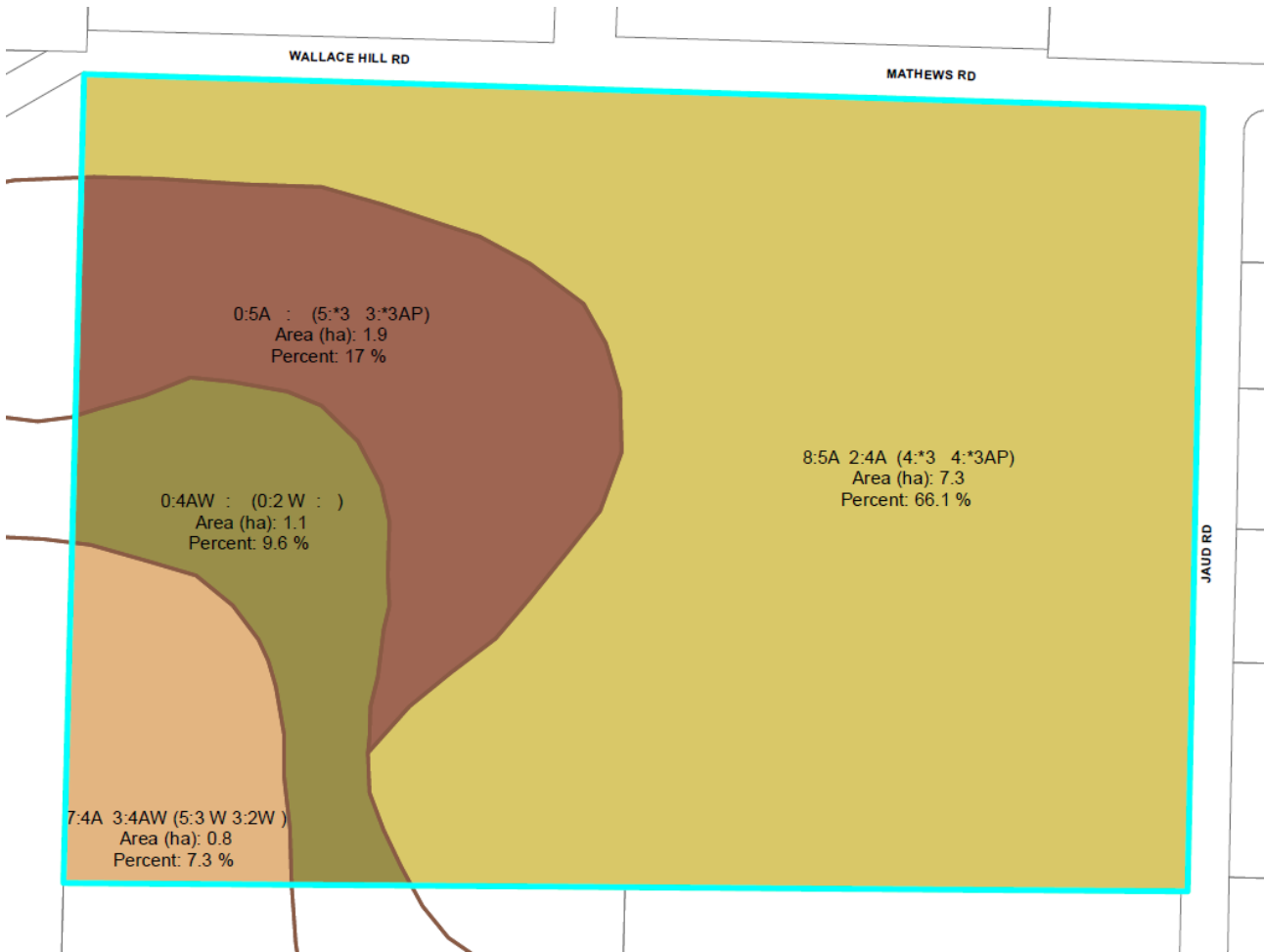




Figure 3 – Proposed Lot



2.5 Agricultural Land and Soil Capability**Figure 4 – Land Capability**

According to the BC Land Classification Inventory the land capability of 66.1% of the property which is identified in *figure 4* is comprised of 80% Class 5 land with limitations due to soil moisture deficits (A) and 20% Class 4 land with limitations due to soil moisture deficits (A). Soil moisture deficits are generally considered improvable with the addition of irrigation. With irrigation improvements the majority of the property is classified as 40% Class 3 to Class 3 with soil moisture deficits and stoniness (AP).

The land capability of the second largest portion of the property at 17.0% land area is comprised of Class 5 land with limitations due to soil moisture deficits (A). With irrigation improvements this portion of the property is classified as 50% Class 3 and 30% Class 3 with soil moisture deficits and stoniness (AP).

The land capability of the third largest portion of the property at 9.6% land area is Class 4 land with limitations due to soil moisture deficits and excess groundwater (AW). With improvements this portion of the property is classified as Class 2 land with excess groundwater (W).

The last and smallest portion of the property at 7.3% land area is comprised of 70% Class 4 land with soil moisture limitations (A) and 30% Class 4 lands with soil moisture deficits and excess groundwater (AW). With improvements this portion of the property is classified as 50% Class 3 lands with excess groundwater (W) and

30% Class 2 lands with excess groundwater (W). Class 1 to Class 3 agricultural capability is considered to be relatively rare in the Okanagan.

**Figure 5 - Soil Capability**



Soil Capability of the property indicates that the soils types present include Gammil (GM), Inkaneep (IK), Paradise (PE), Roy Creek (RY), and Winslow (WW) soils<sup>2</sup>.

Gammil soils are rapidly drained, pervious and have low water holding capacity. These soils are generally limited for agricultural uses due to stoniness and low water holding capacity. Most land with Gammil soils are farmed for tree fruits or vineyards or are used for pasture and hay production.

Inkaneep soils are generally non-stoney at the surface, imperfectly drained, moderately pervious and have moderate surface runoff with medium water holding capacity. These soils are generally well suited for agriculture if artificial drainage is installed. Most land containing Inkaneep soils are used for pasture, forage, hay production and occasionally, tree fruit and grape production.

<sup>2</sup> Ministry of Environment, 1986. Soils of the Okanagan and Similkameen Valleys – MOE Technical Report 18 [http://sis.agr.gc.ca/cansis/publications/surveys/bc/bc52/bc52\\_report.pdf](http://sis.agr.gc.ca/cansis/publications/surveys/bc/bc52/bc52_report.pdf)



Paradise soils are well drained, pervious, have low water storage capacity and slow surface runoff. These soils are well suited for agriculture although low water holding capacity is a restriction. Cultivated and irrigated sites are farmed for tree fruits, vineyards or are used for intensive vegetation precaution.

Roy Creek soils are rapidly to moderately pervious and have low water holding capacity. Lands containing Roy Creek soils are moderately suited for agriculture cropping and are typically used for forage production.

Winslow soils are poorly drained but range to imperfectly drained in slightly elevated ridges. They are moderately to rapidly pervious and have moderate to low water holding capacity. Winslow soils are moderately well suited for climatically adapted crops if drained. Winslow soils are used for pasture, field crops or tree fruits.

### **3.0 Community Planning**

The City's Agriculture Plan recommends continued support for homesite severance applications consistent with ALC Policy #11, which allows farmers to retire or sell the property while retaining the homesite. ALC policies state that consideration of any homesite severance should be reviewed in the context of the overall agriculture integrity of the parcel, where the size and configuration will, in the Commission's opinion, constitute a viable agriculture remainder. To this end, homesite severance parcels should be minimized in size to help ensure the remainder is viable. This is particularly important in Kelowna where parcel sizes are already small. The applicants meet all the eligibility criteria for a homesite severance. Noting this, staff has recommends a minor change to the location of the severance parcel (from the proosed north west corner location). Based on having the safest site access and facilitating the lowest impact on farmable land, Community Planning supports locating the homesite severance on the north property line between the existing driveway and the east property line in a depression closer to the centre of the property.

**Report prepared by:** Andrew Ferguson, Planner

**Approved by:** Ryan Smith, Community Planning Department Manager

#### **Attachments:**

Schedule A: Policies

Schedule B: Technical Comments

Schedule C: Site Plan



# SCHEDULE A - Policies



**Subject: Homesite Severance**

Address: 4205 Wallace Hill Road

## Kelowna Official Community Plan (OCP)

### Land Use Designation Definitions

#### **Resource Protection Area<sup>3</sup>**

Generally, land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of park/recreation uses.

#### **Permanent Growth Boundary<sup>4</sup>**

Lands within the permanent growth boundary may be considered for urban uses within the 20-year planning horizon ending 2030. Lands outside the permanent growth boundary will not be supported for urban uses.

### Chapter 5 – Development Process

#### **Objective 5.3 Focus development to designated growth areas.**

**Policy .1 Permanent Growth Boundary<sup>5</sup>.** Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. Support development of property outside the Permanent Growth Boundary for more intensive uses only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except as per Council's specific amendment of this policy. Resource Protection Area designated properties not in the ALR and outside the Permanent Growth Boundary will not be supported for subdivision below parcel sizes of 4.0 ha (10 acres). The Permanent Growth Boundary may be reviewed as part of the next major OCP update.

### Agricultural Land Use Policies

#### **Objective 5.33 Protect and enhance local agriculture<sup>6</sup>.**

**Policy .1 Protect Agricultural Land.** Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

**Policy .7 Subdivision.** Maximize potential for the use of farmland by not allowing the subdivision of agricultural land into smaller parcels (with the exception of Homesite Severances approved by the ALC) except where significant positive benefits to agriculture can be demonstrated.

<sup>3</sup> City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.2.

<sup>4</sup> City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.6.

<sup>5</sup> City of Kelowna 2030 Official Community Plan. Development Process Chapter. P. 5.2.

<sup>6</sup> City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5.33



### **Objective 5.34 Preserve Productive Agricultural Areas<sup>3</sup>**

**Policy .3 Homeplating.** Locate buildings and structures, including farm help housing and farm retail sales area and structures, on agricultural parcels in close proximity to one another and where appropriate, near the existing road frontage. The goal should be to maximize use of existing infrastructure and reduce impacts on productive agricultural lands.

### **Agricultural Land Commission Act (ALCA)**

Purposes of the commission – Section 6 of the ALCA

The following are the purposes of the commission:

- a. to preserve agricultural land;
- b. to encourage farming on agricultural land in collaboration with other communities of interest;
- c. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

### **Home Site Severance on ALR Lands**

Persons making use of this homesite severance policy (the "Homesite Severance Policy") must understand the following:

- a. there is no automatic right to a homesite severance;
- b. the Agricultural Land Commission (the "Commission") shall be the final arbiter as to whether a particular homesite severance meets good land use criteria;
- c. a prime concern of the Commission will always be to ensure that the "remainder" will constitute a suitable agricultural parcel.

The remainder of the subject property after severance of the homesite must be of a size and configuration that will, in the Commissions opinion, constitute a suitable agricultural parcel. Where, in the Commissions opinion, the remainder is of an unacceptable size or configuration from an agricultural perspective, there may be three options:

- a. the Commission may deny the homesite severance;
- b. the Commission may require that the remainder be consolidated with an adjacent parcel; or

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<sup>3</sup> City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5.34

c. the Commission may require the registration of a covenant against the title of the remainder and such a covenant may prohibit the construction of dwellings.

# SCHEDULE B – Technical Comments



**Subject: Homesite Severance**

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## **Development Engineering Department**

The location of the driveway access should be at the furthest point away from the road bend fronting the proposed lot.

## **Building and Permitting**

Building and Permitting has no comments at this point in time with regard to this application, however a comprehensive report will be provided at the time of development application submission if the Agricultural Land Commission agrees to the proposed activity on the subject property.

## **Southeast Kelowna Irrigation District (SEKID)**

SEKID has no comments or objections to the above referenced file.